

Message Text

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TO AMEMBASSY MOSCOW NIACT IMMEDIATE

C O N F I D E N T I A L STATE 161656

NODIS

CHEROKEE

E.O. 11652: XGDS-1

TAGS: CASC, UR, US

SUBJECT: CHERNYAYEV/ENGER CASE

REF: STATE 160315

FOR THE AMBASSADOR

1. ACTING ON THE PRESIDENT'S INSTRUCTIONS AS CONVEYED BY
THE SECRETARY, SHULMAN CALLED IN VASEV THE MORNING OF JUNE
24 AND HANDED HIM FOLLOWING TEXT OF LETTER TO BE SUPPLIED
BY DOBRYNIN TO JUDGE LACEY.

BEGIN TEXT.

THE HONORABLE FREDERICK LACEY

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

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DEAR JUDGE LACEY:

AS THE AMBASSADOR OF THE UNION OF SOVIET SOCIALIST REPUBLICS
TO THE UNITED STATES OF AMERICA, I HEREBY GIVE THIS COURT
THE ASSURANCE OF MY GOVERNMENT, AND MY PERSONAL ASSURANCE,
THAT IF RUDOLF CHERNYAYEV AND VALDIK ENGER, WHO ARE USSR

NATIONALS EMPLOYED BY THE UNITED NATIONS AND DEFENDANTS BEFORE THIS COURT, ARE RELEASED TO MY PERSONAL CUSTODY, THEY WILL BE PRESENT IN THE FEDERAL COURTS OF THE UNITED STATES AT ANY AND ALL TIMES REQUIRED BY THE UNITED STATES GOVERNMENT OR AN ORDER OF THE APPROPRIATE UNITED STATES COURT, SO LONG AS THE PROCEEDINGS IN WHICH THEY ARE NOW DEFENDANTS ARE PENDING. I FURTHER ASSURE THIS COURT THAT IF THESE ASSURANCES ARE ACCEPTED IN LIEU OF BAIL, CHERNYAYEV AND ENGER WILL OBSERVE THE SAME GEOGRAPHIC RESTRICTIONS ON TRAVEL AS ARE APPLICABLE TO MEMBERS OF THE STAFF OF THE SOVIET MISSION TO THE UNITED NATIONS, AND THAT THEY WILL NOT LEAVE THE UNITED STATES WITHOUT THE PERMISSION OF THIS COURT.

THESE ASSURANCES ARE GIVEN WITH THE GREATEST RESPECT FOR THE JURISDICTION AND RESPONSIBILITIES OF THIS COURT.

END TEXT.

2. THE TEXT OF THIS LETTER WAS CAREFULLY WORKED OUT WITH THE DEPARTMENT OF JUSTICE. IT IS OUR UNDERSTANDING THAT KOMPLEKTOV WILL BE IN TOUCH WITH YOU TO WORK OUT SIMILAR LETTER IN RUSSIAN TO BE SUPPLIED TO SOVIET AUTHORITIES FOR CRAWFORD'S RELEASE. SOVIET EMBASSY HERE WILL SUPPLY US WITH A COPY OF THIS RUSSIAN TEXT AS WELL.
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3. VASEV MADE ONLY A FEW BRIEF PRELIMINARY COMMENTS ON OUR TEXT. HE QUESTIONED WHETHER IT WAS APPROPRIATE FOR DOBRYNIN TO GIVE HIS PERSONAL ASSURANCES AS WELL AS THE ASSURANCES OF THE SOVIET GOVERNMENT THAT CHERNYAYEV AND ENGER WOULD ABIDE BY THE TERMS OF THEIR RELEASE LAID OUT IN THE LETTER. HE WAS TOLD THAT THIS WAS BECAUSE STATEMENTS MADE LAST WEEK BY JUDGE LACEY LED JUSTICE TO CONCLUDE THAT THE JUDGE EXPECTED BOTH THE OFFICIAL AND PERSONAL ASSURANCES. FURTHERMORE, WE RECALLED THAT SUCH A PERSONAL COMMITMENT BY DOBRYNIN HAD ALSO BEEN MADE IN THE IVANOV CASE.

4. DOBRYNIN SUBSEQUENTLY CALLED SHULMAN AND SAID LETTER WAS ACCEPTABLE.

5. PRESENT PLAN IS FOR SOVIET ATTORNEYS, THE U.S. ATTORNEY, JEFFREY SMITH OF OUR LEGAL OFFICE AND MISHKOV TO MEET WITH JUDGE LACEY MONDAY AFTERNOON TO SEEK HIS AGREEMENT TO CHERNYAYEV'S AND ENGER'S RELEASE.

6. WE HAVE BEEN IN CONTACT WITH IH GENERAL COUNSEL BOOTH

AND HE IS IN AGREEMENT WITH THE COURSE WE ARE PURSUING.

HE GIVES HIS ASSURANCE ON BEHALF OF IH THAT CRAWFORD WILL
HOLD HIMSELF AVAILABLE SUBJECT TO YOUR INSTRUCTIONS. PER-
SONAL CUSTODY DOES NOT MEAN, OF COURSE, THAT CRAWFORD NEED
BE CONFINED IN ANY WAY OTHER THAN TO BE SUBJECT TO TRAVEL
RESTRICTIONS DEFINED IN THE LETTER. BOOTH WILL BE IN
TOUCH WITH YOU AS SOON AS HE ARRIVES IN MOSCOW ON MONDAY.

VANCE

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